

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (fax no 703-872-9302, 4 pages total)

On December 16, 2003  
(Date)

Kevin M. Pumm  
Kevin M. Pumm  
Reg. No. 49,046

DEC 16 2003  
OFFICIAL

Application No: 10/604,707

Applicant: Steven L. Carey

Filing Date: August 12, 2003

Group Art Unit: 3744

Examiner: William Wayner

Title: Thermostat with one button programming feature

Customer No: 33464

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Applicants respectfully request amendment of the above application as follows:

Amendments to the Claims per the listing of the claims which begin on page 2.

Remarks which begin on page 4.

## PRELIMINARY AMENDMENT

### Amendment to the Claims

Please amend the claims as follows:

### Listing of Claims

Claim 1 (currently amended): An improved programmable digital thermostat having user input means for selecting a desired temperature setting, the improvement comprising:

activation means for running a single program that continuously controls the daily operation of a thermostat, wherein the program maintains the last user-selected temperature setting during a predetermined non-setback time period that starts and ends at substantially the times a typical occupant awakes and goes to bed respectively, and offsets the last user-selected temperature setting by a single predetermined amount [during] for the duration of a predetermined setback time period [-] that starts and ends at substantially the times a typical occupant goes to bed and awakes respectively;

wherein during a setback time period the user may at any time temporarily raise or lower the temperature setting for a predetermined time period, after which the program returns to the offset temperature setting for the duration of the setback time period; and

wherein the user may select the activation means for continuously controlling the daily operation of the thermostat at any time of day, independent of the start time of a setback time period; and

wherein the activation means is selected by a single action of the user.

Claim 2. (original): The thermostat according to claim 1, wherein the activation means comprises a single button that runs the program when pressed only one time.

Claim 3. (original): The thermostat according to claim 1, wherein the activation means comprises at least two buttons that run the program when simultaneously pressed only one time.

Claim 4. (currently amended): The thermostat according to claim 2, wherein the predetermined non-setback time period ~~[is substantially the time period the user is awake during the day]~~ starts at a time between 5 am and 7 am and ends at a time between 9 pm and 11 pm.

Claim 5. (currently amended): The thermostat according to claim 4, wherein the predetermined setback time period ~~[is substantially the time period the user is asleep during the night]~~ starts at a time between 9 pm and 11 pm and ends at a time between 5 am and 7 am.

Claim 6. (currently amended): The thermostat according to claim 5, wherein the predetermined amount for offsetting the last selected temperature setting is in the range of ~~[5]~~ about 10 to 15 degrees Fahrenheit.

Claims 7-12 (canceled)